

S/N: 10/622,247  
Docket : CS01-150  
Reply to the Office action dated April 21, 2005

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### **Remarks/Arguments**

Examiner Paul Kim is thanked for the thorough Office Action.

### **In the Specification**

The specification has been reviewed and amendments made to correct typographical and editorial errors. No new matter has been added.

The Specification p. 9 is amended to correct typographical errors.

### **In the Claims**

Claim 23 is amended to correct typographical errors. No new matter is added.

### **RESTRICTION REQUIREMENT**

In the instant office action, restriction was required to one of three stated Inventions under 35 U.S.C. 121. The Office action sets out the species in the following three groups:

- I. The species best illustrated by claims 1-6
- II. The species best illustrated by claims 7-24
- IV. The species best illustrated by claims 23-27

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**The Office action, page 2, further states:**

Applicant is required under 35 U.S.C.121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 ChR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

**Provisional election made with Traverse**

Applicant provisionally elects to be examined the species described by the Examiner as Group II - Claims 7 to 24. **This election is made with traverse** of the requirement under 37 C.F.R. 1.143 for the reasons given in the following paragraphs.

**Respectful Request To Reconsider The Requirement For Restriction**

The Examiner is respectfully requested to reconsider the Requirement for Restriction given in the Office Action.

**MPEP 806.04(a) States:**

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**806.04(a) Species - Genus - 800 Restriction in Applications  
Filed Under 35 U.S.C. 111; Double Patenting**

**806.04(a) Species - Genus**

**35 U.S.C. 121** provides that restriction may be required to one of two or more independent and distinct inventions. However, **37 CFR 1.141** provides that a reasonable number of species may still be claimed in one application if the other conditions of the rule are met.

It is respectfully argued that the burden on the examiner is minimal and that all species should be examined in one application. It is respectfully suggested that the reasons for restriction are insufficient to place the additional cost of a second Patent Application upon the Applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

**CONCLUSION**

Withdrawal of the Restriction Requirement and the Allowance of the present Patent Application is requested. Allowance of all claims is requested. Issuance of the application is requested.

It is requested that the Examiner telephone the undersigned attorney at (215) 670-2455 should there be anyway that we could help to place this Application in condition for Allowance.

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Respectfully submitted,

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